IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
   Mehdi Namazian et. al.
Serial No.: 10/796,592
Filing Date: 3/07/2004
For: Liquid Fuel Preprocessor

Mail Stop Missing Parts
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR §1.10(d) TO ACCORD FILING DATE AS OF THE DATE CORRESPONDENCE IS SHOWN TO HAVE BEEN DEPOSITED WITH THE USPS

Sir:

This petition under §1.10(d) is to accord the filing date of 03/05/2004 for the subject patent application in place of the 03/07/2004 filing date shown in the Filing Receipt.

1. This petition is being promptly filed as the Filing Receipt was mailed only on 5/26/2004.

2. The number of the Express Mail mailing label "ER561922466 US" was placed on correspondence constituting the cover page with the subject patent application, as shown by the copy of that page attached as Exhibit 1, which was so placed prior to the original mailing by Express Mail.

3. The requested filing date was the date the said correspondence was deposited in "Express Mail Post Office To Addressee" service prior to the last scheduled pickup for that day. This is shown by the attached copy of a letter from the undersigned attorney for the applicant dated March 5, 2004, which is the same date as the requested filing date (Exhibit 2). That letter reported to the applicant that the Liquid
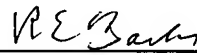
1

Fuel Preprocessor patent application (the same title as the subject application) had been filed that day and that such filing date would be given as the date of deposit in Express Mail. The undersigned further declares that he made the deposit of the correspondence on March 5, 2004 by placing it in an Express Mail deposit box located near his office in San Francisco, California, that the time for last pickup shown on the box for that date was 4:00 pm, and that he made the deposit in such box at approximately 3:00 pm. The undersigned further declares that after making such deposit he went back to his office where he wrote and mailed the letter of Exhibit 2.

The undersigned received back in the mail a Customer Copy of the USPS Express Mail label showing "3/7/04" as the "Date in" with the time entered as "0110 AM" (Exhibit 3) The incorrectness of that date "3/7/04" is shown by the fact that March 7, 2004 was a Sunday and that 0110 AM was one o'clock of Sunday morning. The undersigned further declares that the Express Mail deposit box in which he deposited the correspondence shows no pickup time for Sunday, so the entry date by the USPS could not have been correct. Assuming that the USPS picked the correspondence up from the box on Saturday, May 6th, then this could only mean that the USPS service failed to make any pickup at or after 4:00 pm on Friday, 3/5/04.

Thus the USPS incorrectly entered the wrong date when Applicant's correspondence was timely deposited in the Express Mail deposit box.

Accordingly, in view of the foregoing showing it is submitted that this petition meets the requirements of §1.10(d) and should be granted as requested above.

Date: Jul 21, 2004   _R E Backus_____
                                                        Richard E. Backus, Reg. 22,701
                                                        Attorney for Applicants

LAW OFFICES OF RICHARD E. BACKUS
685 MARKET STREET, SUITE 490
SAN FRANCISCO, CALIFORNIA 94105

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Sir:

Transmitted herewith for filing is the patent application of Inventor(s):

Mehdi Manazian and John T. Kelly

For: **LIQUID FUEL PREPROCESSOR**

Enclosed are also:

- [X] 14 Sheets of ~~INFORMAL~~/FORMAL drawing ~~XXXXXX~~
- [ ] An Assignment of the invention to: [   ]
- [ ] Power of Attorney by Assignee & Exclusion of Inventor Under 37 CFR 1.32
- [ ] Combined Declaration and Power of Attorney for Patent Application
- [ ] Declaration for Patent Application
- [ ] Associate Power of Attorney
- [ ] Information Disclosure Statement (IDS)/PTO-1449; copies of IDS citations
- [X] Request and Certification under 35 U.S.C. 122(b)(2)(i) with attached form PTO/SB/35

FEE CALCULATION

- [X] Applicant claims small entity status. See 37 CFR 1.27.

	(Col. 1) NO. FILED	(Col. 2) NO. EXTRA	x SMALL ENTITY RATE	FEE
BASIC FEE				$
TOTAL CLAIMS	- 20 =		x $ =	$
INDEP CLAIMS	- 3 =		x $ =	$
MULTIPLE DEPENDENT CLAIM PRESENTED →			+ $ =	$
If the difference in Col 1 is less than zero, enter "0" in Col. 2			TOTAL	$

- [ ] Our Check No. [   ] in the amount of $[   ] to cover the filing fee is enclosed.

- [ ] The Commissioner is hereby authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No502774 (Order No. .

Law Offices of Richard E. Backus
The Monadnock Building
685 Market Street, Suite 490
San Francisco, California 94105
Telephone: (415) 979-9876 Fax: (415) 974-6199

Respectfully submitted,

Richard E. Backus

Richard E. Backus
Reg. No. 22,701

Exhibit 1

LAW OFFICES OF RICHARD E. BACKUS

Richard E. Backus
Kristin Hansen, Of Counsel

Patent, Trademark and Copyright Law
THE MONADNOCK BUILDING
685 MARKET STREET, SUITE 490
SAN FRANCISCO, CALIFORNIA 94105
Tel: 415-979-9876

info@rbackus.com
www.rbackus.com
Fax: 415-974-6199

Mar 5, 2004

Altex Technologies
   Attn: Dr. Mehdi Namazian
650 Nuttman Road, Suite 114
Santa Clara, CA 95054

Re: Liquid Fuel Preprocessor
      Patent Application
      A68800

Dear Mehdi,

This confirms that the subject application was filed on Friday, March 5th. The PTO rules provide that an application sent by Express Mail is given a filing date as of the date of deposit in Express Mail.

A copy of the application as filed is enclosed. We will soon be receiving a "Notice of Missing Parts" from the PTO which will set a two month period in which to file a Declaration signed by the inventors, an assignment from the inventors to Altex, an Information Disclosure Statement (with the prior art patents you had given me) and the filing fee. We will keep you advised.

Very truly yours,

/ 5 /

Richard E. Backus

- 1 -

Exhibit 2

BEST AVAILABLE COPY

ER 561922466 US

EXPRESS MAIL

UNITED STATES POSTAL SERVICE ® **Post Office To Addressee**

ORIGIN (POSTAL USE ONLY)		
PO ZIP Code 94105	Day of Delivery ☐ Next ☒ Second	Flat Rate Envelope ☐
Date In Mo. 3 Day 7 Year 04	☐ 12 Noon ☒ 3 PM	Postage $ 13.65
Time In 0110 ☒ AM ☐ PM	Military ☐ 2nd Day ☐ 3rd Day	Return Receipt Fee
Weight lbs. 9 ozs.	Int'l Alpha Country Code	COD Fee $	Insurance Fee
No Delivery ☐ Weekend ☐ Holiday	Acceptance Clerk Initials	Total Postage & Fees $ 13.65

FROM: (PLEASE PRINT)   PHONE (415) 979-9876

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Richard E. Backus
685 Market Street - Suite 490
San Francisco, CA  94105
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FOR PICKUP OR TRACKING CALL 1-800-222-1811

www.usps.com   *EMS*

PRESS HARD. *You are making 3 copies.*

DELIVERY (POSTAL USE ONLY)		
Delivery Attempt Mo. Day	Time ☐ AM ☐ PM	Employee Signature
Delivery Attempt Mo. Day	Time ☐ AM ☐ PM	Employee Signature
Delivery Date Mo. Day	Time ☐ AM ☐ PM	Employee Signature

CUSTOMER USE ONLY

PAYMENT BY ACCOUNT
Express Mail Corporate Acct. No.

Federal Agency Acct. No. or
Postal Service Acct. No.

☐ WAIVER OF SIGNATURE *(Domestic Only)*
Additional merchandise insurance is void if waiver of signature is requested.
I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY
☐ Weekend   Holiday ☐   Customer Signature

TO: (PLEASE PRINT)   PHONE (

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U.S. Patent & Trademark Office
Mail Stop Patent Application
2011 S. Clark Place Customer
  Window
Crystal Plaza Two, Lobby
  Room 1B03
Arlington, VA  22202
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ZIP + 4

Exhibit 3